

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TRITON IP, LLC

vs.

SAGE GROUP, PLC, ET AL.

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CASE NO. 6:07-CV-67-LED

**ORDER**

This order memorializes the rulings made by the court during the April 1, 2009, telephonic discovery hotline hearing. In this case, the plaintiff accuses the defendants of patent infringement.

The instant hotline issues arose during the deposition of a 30(b)(6) witness identified by the defendants. The general issue concerned an objection to and an instruction not to answer a question concerning the witness's opinion as to functionality and implementation of two products. During the deposition, the plaintiff's counsel asked, generally, whether a combination of two or more certain products provided greater benefit to the client than one product alone. This question prompted a timely objection from the defendants' counsel on the basis that the requested information was outside the scope of the deposition notice. The defendants' counsel also instructed the witness not to answer the question.

The court instructed the defendants to lodge their objection. The court further instructed the witness to answer the question to the best of his ability and to continue with the deposition; the lodging of the objection will preserve the defendants' right to challenge the admissibility of the testimony at trial.

SIGNED this 6th day of April, 2009.

  
CHARLES EVERINGHAM IV  
UNITED STATES MAGISTRATE JUDGE